



TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 18 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 41 OF TITLE 17, GUAM CODE ANNOTATED; TO REPEAL P.L. 20-213; TO AMEND §50111(c) OF TITLE 5, GUAM CODE ANNOTATED; TO AMEND §§3401.1(e) AND (h) OF TITLE 16, GUAM CODE ANNOTATED," was passed on the 8th day of March, 1997, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker


Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

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This Act was received by the Governor this 14<sup>th</sup> day of March,  
1997, at 4:55 o'clock P.M.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 3-26-97  
Public Law No. 24-16

**Twenty-Fourth Guam Legislature  
1997 (First) Regular Session**

**Bill No. 18 (COR)**

As substituted by the Committee on Rules,  
Government Reform & Federal Affairs,  
and further substituted on the floor.

Introduced by:

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**AN ACT TO REPEAL AND REENACT CHAPTER 41 OF TITLE  
17, GUAM CODE ANNOTATED; TO REPEAL P.L. 20-213; TO  
AMEND §50111(c) OF TITLE 5, GUAM CODE ANNOTATED;  
TO AMEND §§3401.1(e) AND (h) OF TITLE 16, GUAM CODE  
ANNOTATED.**

1        **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF**  
2 **GUAM:**

1           **Section 1. Legislative Intent.** The Guam Legislature finds that there  
2 are agencies and organizations on Guam, both private and public, that  
3 have the responsibility with providing, planning, supporting employment  
4 services and implementing a wide spectrum of services for persons with  
5 disabilities. But, because of the fragmentation and lack of coordination of  
6 these services, it becomes difficult for these agencies, organizations,  
7 friends and families of persons with disabilities to utilize them to its fullest  
8 potential. The problems are compounded with the fact that there is no  
9 department directly responsible to address the overall issues of persons  
10 with disabilities.

11           The Guam Legislature further finds that on a national average, ten  
12 percent (10%) of the population is disabled. Although some data is  
13 collected, there is no central data system to accurately determine the  
14 number of persons with disabilities on Guam. However, the increased  
15 need for services for persons with disabilities is reflected by the long  
16 waiting lists accumulated by various agencies and organizations.

17           Furthermore, the Guam Legislature supports the enhancement of  
18 children's services. Children, regardless of the severity of their disability,  
19 need families and endearing relationships with adults in a nurturing home  
20 environment. Children with disabilities benefit by growing up in their own  
21 families; families benefit from staying together; and the community can  
22 benefit from the diversity that is provided when people with varying  
23 abilities are included.

24           The Guam Legislature realizes that there is lack of adequate and  
25 coordinated services for persons with disabilities, especially over the age  
26 of twenty-one (21). These services could include day activities and

1 expanded respite care to assist families with relief and minimize the stress  
2 associated with caring for a person with a disability.

3 The Guam Legislature believes that our community could better  
4 advocate for persons with disabilities by improving existing services and  
5 establishing for new services. It is the right of every individual on Guam,  
6 especially a person with a disability, to demand equality and be recognized  
7 as a contributing participant in the Territory of Guam. There is a lack of  
8 awareness of the real needs of a person with a disability, and it is our  
9 responsibility as a community to educate ourselves and others to make the  
10 difference.

11 The Guam Legislature fully supports family preservation and any  
12 initiatives that would reduce off-island treatment of a person with  
13 disabilities to a minimum in an effort to bring families together. Presently,  
14 children and adolescents with serious emotional disorders are sent to off-  
15 island facilities away from their families because of the inadequate lack of  
16 services available to them on Guam. These same individuals usually have  
17 special and multiple needs because of mental retardation or other  
18 organic/physical disabilities. These "dual-diagnosed children and  
19 adolescents" are part of the target population that can benefit from an  
20 agency with clear mandates of responsibility to develop gaps in services  
21 for those with disabilities. Clearly, there is a need to develop a range of  
22 services to support the comprehensive needs of children with all  
23 disabilities (these same children grow up to be our adults with disabilities)  
24 so as to support treatment on Guam and/or facilitate their return back to  
25 Guam in the shortest time possible. The Guam Legislature recognizes the  
26 need for effective family support services that are designed and provided  
27 with respect and responsiveness to the unique needs, strengths and

1 cultural values of each family, and the family 's expertise regarding its  
2 own needs.

3 Therefore, it is the intent of the Guam Legislature to improve  
4 services for persons with disabilities by creating and establishing a  
5 designated agency as a single point of entry to provide, promote and  
6 ensure a full continuum of lifelong programs and services that allow for  
7 independence, productivity and inclusion into the community. As created,  
8 this agency shall build partnerships with the local and federal government  
9 and recognize the efforts of all organizations and agencies associated with  
10 providing quality services to persons with disabilities.

11 **Section 2.** Chapter 41 of Title 17 Guam Code Annotated, is hereby  
12 repealed and reenacted as follows:

13 **"Chapter 41**

14 **Article 1**

15 **§41101. Department.** There is within the government of Guam an  
16 entity entitled "The Department of Integrated Services for Individuals  
17 with Disabilities (DISID)," which shall serve as a public service to  
18 coordinate and provide vocational rehabilitation and comprehensive  
19 community services for eligible individuals with disabilities.

20 **§41102. Definitions.** For the purposes of this Chapter:

21 (a) **Department** means "The Department of Integrated Services  
22 for Individuals with Disabilities ("DISID")."

23 (b) **Director** means the Director of "The Department of Integrated  
24 Services for Individuals with Disabilities ("DISID")." The Director will be  
25 appointed by the Governor and confirmed by the Guam Legislature.

26 **§41103. Duties of DISID.**

1 (a) The DISID can accept grants, gifts, contributions and  
2 appropriations.

3 (b) The DISID shall conduct and provide for staff development,  
4 public education, and community awareness activities on the problems,  
5 needs, potentials, and rights of the individuals with disabilities through  
6 affirmative public education programs, including conferences, workshops  
7 and forums.

8 (c) The DISID shall serve as a central clearing house for public  
9 and private activities, which address the needs of persons with disabilities  
10 in Guam, review grant applications as related to the Division of Support  
11 Services for Individuals with Disabilities, proposed state plans and  
12 program descriptions in matters affecting persons with disabilities prior to  
13 submittal for the Governor's approval, and serve as a repository and  
14 disseminator of program information relating to persons with disabilities.

15 (d) The DISID shall review, assess and make recommendations  
16 addressing problems and needs and the availability of adequate services  
17 and resources for persons with disabilities in Guam through research and  
18 studies with regard to but not limited to employment, education, health,  
19 social services, recreation, civil rights, public facilities, housing, vocational  
20 training and rehabilitation, transportation and other matters pertinent to  
21 the well-being and independence of persons with disabilities, and to  
22 publicize the results thereof.

23 (e) The DISID shall compile and maintain a data base on the  
24 incidence of disabling conditions and number of persons with disabilities in  
25 Guam, and on resources allocated to address the needs of persons with  
26 disabilities.

1 (f) The DISID shall develop short and long-term plans to meet the  
2 needs of individuals with disabilities through facilitating the coordination  
3 of services and programs in collaboration with other organizations and/or  
4 agencies, whether they are community, public and/or private.

5 (g) The DISID shall be the state agency to supervise and  
6 administer the vocational rehabilitation services authorized by this  
7 Chapter under the state plan formulated in conformance with the Federal  
8 Vocational Rehabilitation Act, as amended, except for that part, as may be  
9 administered by a local agency of a political subdivision in the State, and  
10 DISID shall be the agency to supervise the local agency in the  
11 administration of that part.

12 (h) The DISID shall submit a detailed report on its activities and  
13 responsibilities to the Governor and the Speaker of the Guam Legislature  
14 on January 1 of each year, and for the previous fiscal year, and publish its  
15 availability for review to the public.

16 (i) The DISID shall implement Quality Assurance Programs to  
17 assure compliance of all public and private entities consistent with  
18 applicable local and federal statutes pertaining to individuals with  
19 disabilities.

20 (j) The DISID shall be designated as the state agency to  
21 administer the state plan for vocational rehabilitation services and  
22 services for adults who are blind.

23 (k) The DISID shall implement, consistent with applicable local  
24 and federal statutes, a fair, timely and impartial grievance procedure to  
25 provide administrative due process and recourse for individuals aggrieved  
26 by any action or failure to act on the part of the department under this Act.

1 (l) Design and implement an information and referral system for  
2 easy accessibility for individuals with disabilities and others who may  
3 benefit from services of DISID and availability of other services.

4 §41104. **Staff.** The DISID shall hire staff to assist in the  
5 performance of its duties in compliance with Title 4, Guam Code  
6 Annotated, and personnel rules and regulations.

7 §41105. **Other Programs/Services.** DISID will review annually the  
8 needs for new systems, or improvement of existing systems. DISID shall  
9 create and advocate for the expansion of programs and services and other  
10 systems as required to implement the services necessary for persons with  
11 disabilities.

## 12 Article 2

13 §41201. **Division.** There is within the Department of Integrated  
14 Services for Individuals with Disabilities (DISID), a Division of  
15 Vocational Rehabilitation (DVR) which shall, as a public service, provide  
16 vocational rehabilitation services to eligible individuals with disabilities,  
17 and which shall be designated as the designated state unit to administer  
18 the state plan for vocational rehabilitation services and for the blind.

19 (a) (1) DVR may cooperate with other departments, agencies,  
20 and institutions, both public and private, in providing the services  
21 authorized by the Division to individuals with disabilities in studying  
22 the problems involved therein, and in establishing, developing, and  
23 providing, in conformity with the purposes of the DVR such  
24 programs, facilities, and services as may be necessary or desirable.

25 (2) Cooperation may include contracts and cost-sharing  
26 agreements, to the extent permitted by the Rehabilitation Act of 1973

1 (P.L. 93-112), as amended, and the implementing Federal  
2 regulations.

3 (3) Within the scope of the Federal Rehabilitation Act,  
4 through cooperative agreements with other public agencies, DVR  
5 shall be consistent with their approved state plan. To provide these  
6 services, with the provisions of Federal law, DVR and other  
7 agencies shall share facilities, utilize existing eligibility and  
8 assessment information, participate in cross-training for agencies  
9 participating in cooperative programs, and engage in other  
10 cooperative activities to reduce duplication of services, and to  
11 provide a new enhanced pattern of vocational rehabilitation services  
12 for persons with disabilities.

13 (b) DVR may cooperate with Department of Education and with  
14 the public post-secondary education system to provide instruction,  
15 individual counseling and guidance, and related rehabilitation services for  
16 eligible students with disabilities.

17 (c) DVR and the Department of Education will coordinate efforts  
18 in assisting vocational orientation of students with disabilities.

19 (d) In performing any rehabilitative services or in contracting with  
20 other public or private agencies for rehabilitative services, DVR shall take  
21 into consideration the needs of non-English-speaking persons with  
22 disabilities and shall provide language assistance consistent with the  
23 approved state plan to those individuals participating in the Division's  
24 public or private rehabilitation programs.

25 (e) To the extent funds are available, DVR also shall take into  
26 consideration the needs of persons with disabilities who rely on alternate  
27 modes of communication; such as manual communication, tactile, oral and

1 nonverbal communication devices; and shall provide communication  
2 assistance to those individuals participating in DVR's programs consistent  
3 with the approved state plan.

4 (f) DVR shall conduct strategic planning which may include  
5 research and compilation of statistics, relating to the provision of services  
6 or the need of services by persons with disabilities.

7 (g) Financial need shall be considered in the furnishing or denial of  
8 services in accordance with the approved state plan.

9 (h) Pursuant to Federal law, DVR may conduct an evaluation, when  
10 necessary, including, but not limited to, diagnostic and related services  
11 necessary to determine eligibility for vocational rehabilitation services and  
12 for choosing rehabilitation goals, objectives and services.

13 (i) Pursuant to Federal law, DVR shall establish a priority order to  
14 be followed in selecting individuals to whom vocational rehabilitation  
15 services will be provided, consistent with the approved state plan.

16 (j) License blind individuals to operate vending stands, under its  
17 supervision and control, property of the government of Guam and on  
18 Federal or other property, pursuant to the Randolph-Sheppard Act or any  
19 other Act of Congress relating to the subject; supervise the operation of  
20 vending stands and other small businesses established pursuant to this  
21 Chapter to be operated by persons with severe disabilities.

22 **§41202. Definitions.** For the purpose of this Article:

23 (a) **Council** means the Rehabilitation Advisory Council (RAC) for  
24 Division of Vocational Rehabilitation (DVR).

25 (b) **Division** means the Division of Vocational Rehabilitation  
26 (DVR).

1 (c) **Administrator** means the Administrator of the Division of  
2 Vocational Rehabilitation (DVR), who shall be an ex-officio non-voting  
3 member of the RAC. The Administrator must have at least a bachelors  
4 degree in Special Education, Vocational Rehabilitative Counseling  
5 Services or related subject, and at least four (4) years of experience in  
6 vocational rehabilitation service or related service dealing with persons  
7 with disabilities of which two (2) years shall be administrative. The  
8 position shall be of the classified service of the government of Guam. The  
9 position Classification Standard and Compensation shall be established by  
10 the Civil Service Commission.

11 (d) **Individual with a Disability** means any individual who:

12 (1) Has a physical or mental impairment which for this  
13 individual constitutes or results in a substantial impediment to  
14 employment, and can benefit in terms of an employment outcome  
15 through the provision of vocational rehabilitation services provided,  
16 pursuant to Title I, III, VI, or VIII of the Vocational Rehabilitation Act  
17 of 1973, as amended.

18 (2) Can benefit in terms of an employment outcome from  
19 vocational rehabilitation services provided pursuant to this Chapter.

20 (e) **Individual with a Severe Disability** means an individual with a  
21 disability who has a severe physical or mental impairment, which seriously  
22 limits one or more functional capacities as defined by the Vocational  
23 Rehabilitation Act, as amended.

24 (f) **Vocational Rehabilitation Services** means those services  
25 identified in this Article, to include services identified in the approved state  
26 plan. All expenses for the purposes of these services will not be restricted  
27 or included under capital outlay.

1 (g) **Supported Employment** means competitive work in integrated  
2 work settings for individuals with the severe disabilities for whom  
3 competitive employment has not traditionally occurred; or for whom  
4 competitive employment has been interrupted or intermittent as a result of  
5 a severe disability; and who, because of the nature and severity of their  
6 disability, need intensive supported employment services for the period,  
7 and any extended services to include transitional employment for persons  
8 who are individuals with the most severe disabilities due to mental illness.

9 (h) **Nonprofit** when used with respect to a rehabilitation facility  
10 means a rehabilitation facility which is owned and operated by a corpo-  
11 ration or association, no part of the net earnings of which accrues or may  
12 lawfully accrue, to the benefit of any private shareholder or individual,  
13 and the income of which is exempt from taxation under §501(c)(3) of the  
14 Internal Revenue Code of 1954.

15 (i) **Assessment for determining eligibility and vocational**  
16 **rehabilitation needs** means, to determine whether an individual is eligible  
17 for vocational rehabilitation services; and to the extent additional data is  
18 necessary to make such determination, a preliminary assessment of such  
19 data, including the provision of goods and services during such  
20 assessment; to the extent additional data is necessary, a comprehensive  
21 assessment, including the administration of the assessment, of the unique  
22 strengths, resources, priorities, interests and needs, including the need for  
23 supported employment, of an eligible individual to make a determination  
24 of the goals, objectives, nature and scope of vocational rehabilitation  
25 services to be included in the individualized written rehabilitation program  
26 of the individual, which comprehensive assessment is limited to  
27 information that is necessary to identify the rehabilitation needs of the

1 individual to develop the rehabilitation program of the individual; uses, as  
2 a primary source of such information, to the maximum extent possible and  
3 appropriate and in accordance with confidentiality requirements - existing  
4 information; and such information as can be provided by the individual  
5 and , where appropriate, by the family of the individual; may include, to  
6 the degree needed to make such a determination, an assessment of the  
7 personality, interests, interpersonal skills, intelligence and related  
8 functional capacities, educational achievements, work experience,  
9 vocational aptitudes, personal and social adjustments and employment  
10 opportunities of the individual, and the medical, psychiatric, psychological  
11 and other pertinent vocational, educational, cultural, social, recreational  
12 and environmental factors, that affect the employment and rehabilitation  
13 needs of the individual and may include an appraisal of the patterns of  
14 work behavior of the individual and services needed for the individual to  
15 acquire occupational skills, and to develop work attitudes, work for  
16 successful job performance, including the utilization of work in real job  
17 situations to assess and develop the capacities of the individual to perform  
18 adequately in a work environment; and referral; the provision of  
19 vocational rehabilitation services to an individual for a total period not in  
20 excess of eighteen (18) months for the limited purpose of making  
21 determinations regarding whether an individual is eligible for vocational  
22 rehabilitation services and regarding the nature and scope of vocational  
23 rehabilitation services needed for such individual; and an assessment at  
24 least once every ninety (90) day period during which such services are  
25 provided, of the results of the provision of such services to an individual to  
26 ascertain whether any of the determinations described may be made.

1 (j) **State** means any one of the several states, territories or  
2 possessions of the United States.

3 (k) **Community Rehabilitation Program** means a program that  
4 provides directly or facilitates the provision of vocational rehabilitation  
5 services to individuals with disabilities, and that provides, singly or in  
6 combination, for an individual with a disability to enable the individuals to  
7 maximize opportunities for employment, including career advancement:

8 (1) Comprehensive rehabilitation services which shall include,  
9 under one management, medical, psychological, social, and  
10 vocational services.

11 (2) Testing, fitting or training in the use of prosthetic and  
12 orthotic devices.

13 (3) Recreation therapy.

14 (4) Physical and occupational therapy.

15 (5) Speech, language and hearing therapy.

16 (6) Psychiatric, psychological and social services.

17 (7) Personal and work adjustment.

18 (8) Vocational training, in combination with other  
19 rehabilitation services.

20 (9) Evaluation or control of special disabilities.

21 (10) Assessment for determining eligibility and vocational  
22 needs, including evaluation for supported employment,  
23 development, and placement in jobs.

24 (11) Development of, and placement in jobs.

25 (12) Job coaching services to enable a person with disabilities to  
26 obtain or maintain supported or competitive employment.

1 (13) Extended employment for persons with severe disabilities  
2 who cannot be readily absorbed into the competitive labor market.

3 (14) Personal assistance services.

4 (l) **Vocational Rehabilitation Services** when provided to and  
5 individual means any one or any combination of the following services:

6 (1) an assessment for determining eligibility and vocational  
7 rehabilitation needs by qualified personnel, including, if appropriate,  
8 assessment by personnel skilled in rehabilitation technology;

9 (2) counseling, guidance, and work-related placement  
10 services for individuals with disabilities, including job search  
11 assistance, placement assistance, job retention services, personal  
12 assistance services and follow-up, follow-along, and specific post  
13 employment services necessary to assist such individuals to  
14 maintain, regain or advance in employment;

15 (3) vocational and other training services for individuals with  
16 disabilities, which shall include personal and vocational adjustment,  
17 books or other training materials, and such services to the families of  
18 such individuals as are necessary to the adjustment or rehabilitation  
19 of such individuals, except that no training services in institutions of  
20 higher education shall be paid for with basic support Federal funds  
21 unless maximum efforts have been made to secure grant assistance,  
22 in whole or in part, from other sources to pay for such training;

23 (4) physical and mental restoration services, including, but not  
24 limited to,

25 (a) corrective surgery or therapeutic treatment  
26 necessary to correct or substantially modify a physical or mental  
27 condition which is stable or slowly progressive and constitutes

1 an impediment to employment, but is of such nature that such  
2 correction or modification may reasonably be expected to  
3 eliminate or reduce such impediment to employment within a  
4 reasonable length of time,

5 (b) prosthetic and orthotic devices,

6 (c) eyeglasses and visual services, as prescribed by  
7 qualified personnel under Guam licensure laws,

8 (d) special services, including transplantation and  
9 dialysis, artificial kidneys and supplies necessary for the  
10 treatment of individuals with end-stage renal disease, and

11 (e) diagnosis and treatment for mental and emotional  
12 disorders by qualified personnel under Guam licensure laws;

13 (5) maintenance for costs incurred while participating in  
14 rehabilitation;

15 (6) interpreter services for individuals who are deaf, and  
16 reader services for those individuals determined to be blind after an  
17 examination by qualified personnel under Guam licensure laws;

18 (7) recruitment and training services for individuals with  
19 disabilities to provide them with new employment opportunities in  
20 the fields of rehabilitation, health, welfare, public safety and law  
21 enforcement, and other appropriate service employment;

22 (8) rehabilitation teaching services and orientation and  
23 mobility services for individuals who are blind;

24 (9) occupational licenses, tools, equipment and initial stocks  
25 and supplies;

26 (10) transportation in connection with the rendering of any  
27 vocational rehabilitation service;

1 (11) telecommunication, sensory and other technological aids  
2 and devices;

3 (12) rehabilitation technology services;

4 (13) referral and other services designed to assist individuals  
5 with disabilities in securing needed services from other agencies  
6 through agreements developed, if such services are not available  
7 under the Rehabilitation Act of 1973, as amended;

8 (14) transition services that promote or facilitate the  
9 accomplishment of long-term rehabilitation goals and intermediate  
10 rehabilitation objectives;

11 (15) on-the-job training or other related personal assistance  
12 services provided while an individual with a disability is receiving  
13 vocational rehabilitation services;

14 (16) supported employment services; and

15 (17) vocational rehabilitation services, when provided for the  
16 benefit of groups of individuals, may also include the following:

- 17 (i) in the case of any type of small business operated by  
18 individuals with the most severe disabilities, the  
19 operation of which can be improved by management  
20 services and supervision provided by the  
21 Department, the provision of such services and  
22 supervision, along or together with the acquisition of  
23 equipment and initial stocks and supplies;
- 24 (ii) the establishment, development, or improvement of  
25 community rehabilitation programs, including under  
26 special circumstances, the construction of a facility,  
27 and the provision of other services, including

1 services offered at community rehabilitation  
2 programs, which promise to contribute substantially  
3 to the rehabilitation of a group of individuals, but  
4 which are not related directly to the individualized  
5 rehabilitation written program of any one individual  
6 with a disability. Such programs shall be used to  
7 provide services that promote integration and  
8 competitive employment;

9 (iii) use of existing telecommunications systems,  
10 including telephone, television, satellite, radio, and  
11 other similar systems, which have the potential for  
12 substantially improving service delivery methods,  
13 and the development of appropriate programming  
14 to meet the particular needs of individuals with  
15 disabilities;

16 (iv) the use of services providing recorded material for  
17 individuals who are blind and captioned films or  
18 video cassettes for individuals who are deaf; and

19 (v) technical assistance and support services to  
20 businesses that are subject to Title I of the Americans  
21 with Disabilities Act of 1990 (42 U.S.C. §12111 *et seq.*)  
22 and that are seeking to employ individuals with  
23 disabilities.

24 **(m) Designated State Unit or State Vocational Rehabilitation**  
25 **Agency** means the designated state unit, which is the Division of  
26 Vocational Rehabilitation (DVR), designated to develop and administer  
27 the State Plan for Vocational Rehabilitation Services.

1 (n) **State Plan** means the annual State Plan for Vocational  
2 Rehabilitation Services, or the vocational rehabilitation services part of a  
3 consolidated rehabilitation plan for vocational rehabilitation. In order to  
4 be eligible to participate in programs under the Rehabilitation Act of 1973,  
5 as amended, the Division shall submit to the Commissioner of Region IX,  
6 USDOE/Rehabilitation Services Administration a plan for vocational  
7 rehabilitation services for a three (3) year period, or shall submit the plan  
8 on such date, and at such regular intervals, as may be determined to be  
9 appropriate to coincide with the intervals at which the Division submits  
10 state plans under other Federal laws, such as part B of the Individuals  
11 with Disabilities Education Act (20 U.S.C. §1411 *et seq.*).

12 (o) **Individualized written rehabilitation program** shall do all of the  
13 following:

14 (1) Be designed to achieve the employment objective of  
15 the individual, consistent with the unique strengths resources,  
16 priorities, concerns, abilities and capabilities of the individual, and to  
17 the maximum extent appropriate, to include placement in integrated  
18 settings.

19 (2) Be jointly developed and agreed upon by the eligible  
20 individual, or when appropriate, the individual's parent, family  
21 member, guardian, advocate or authorized representative, and  
22 DVR. In developing the program, DVR shall inform the individual  
23 about and involve the individual in choosing among alternative  
24 goals, objectives, available services, entities providing the services  
25 and the methods used to provide or procure the services.

26 (3) Contain all of the information required by Federal  
27 law and regulations, including a statement of the specific vocational

1 goods and services to be provided, and the terms and conditions  
2 under which available goods and services will be provided, to the  
3 extent Federal funds are available, to the individual in the most  
4 integrated setting.

5 (4) An individual is eligible for assistance consistent with  
6 the approved state plan.

7 (p) **Assistive Technology Service** means any service that directly  
8 assists an individual with a disability in the selection, acquisition, or use of  
9 an assistive technology device; including:

- 10 (i) the evaluation of the needs of an individual with a disability,  
11 including a functional evaluation of the individual in his or her  
12 customary environment or work place;
- 13 (ii) purchasing, leasing, or otherwise providing for the acquisition  
14 by an individual with a disability of an assistive technology  
15 device;
- 16 (iii) selecting, designing, fitting, customizing, adapting, applying,  
17 maintaining, repairing, or replacing assistive technology  
18 devices;
- 19 (iv) coordinating and using other therapies, interventions, or  
20 services with assistive technology devices, such as those  
21 associated with existing education and rehabilitation plans and  
22 programs;
- 23 (v) training or technical assistance for an individual with a  
24 disability or, if appropriate, the family members, guardians,  
25 advocates, or authorized representatives of the individual; and
- 26 (vi) training or technical assistance for professionals (including  
27 individuals providing education and rehabilitation services),

1 employers, or others who provide services to, employ, or are  
2 otherwise substantially involved in the major life functions of  
3 individuals with disabilities, to the extent that training or  
4 technical assistance is necessary to the achievement of an  
5 employment outcome by an individual with a disability.

6 (q) **Comparable Services and Benefits** means services and benefits  
7 that are:

8 (i) provided or paid for, in whole or in part, by other Federal or  
9 Local public agencies, by health insurance, or by employee  
10 benefits;

11 (ii) available to the individual within a reasonable period of time;  
12 and

13 (iii) commensurate to the services that the individual would  
14 otherwise receive from the Division.

15 (r) **Competitive Employment** means work:

16 (i) in the competitive labor market that is performed on a full-time  
17 or part-time basis in an integrated setting; and

18 (ii) for which an individual is compensated at or above the  
19 minimum wage, but not less than the prevailing wage for the  
20 same or similar work in the local community performed by  
21 individuals who are not disabled.

22 (s) **Employment Outcome** means, with respect to an individual,  
23 entering or retaining full-time or, if appropriate, part-time competitive  
24 employment in the integrated work setting to the greatest extent  
25 practicable; supported employment; or any other type of employment that  
26 is consistent with an individual's strengths, resources, priorities, concerns,  
27 abilities, capabilities, interests and informed choice.

1           (t) **Extended Employment** means work in a non-integrated or  
2 sheltered setting for a public or private nonprofit agency or organization  
3 that provides compensation in accordance with the Fair Labor Standards  
4 Act, and any needed support services to a person with a disability to enable  
5 the individual to continue to train or otherwise prepare for competitive  
6 employment, unless the individual through informed chooses to remain in  
7 extended employment.

8           (u) **Integrated Setting** , with respect to the provision of services or  
9 an employment outcome, means a setting typically found in the community  
10 in which applicants or eligible individuals have the opportunity to interact  
11 on a regular basis with non-disabled individuals other than non-disabled  
12 individuals who are providing services to those applicants or eligible  
13 individuals.

14           (v) **Maintenance** means monetary support provided to an eligible  
15 individual or an individual receiving extended evaluation services for  
16 those living expenses, such as food, shelter and clothing, that are excess of  
17 the normal living expenses of the individual and that are necessitated by  
18 the individual's participation in a program of vocational rehabilitation  
19 services.

20           (w) **Personal Assistance Services** means a range of services provided  
21 by one or more persons designed to assist an individual with a disability to  
22 perform daily living activities on or off the job that the individual would  
23 typically perform without assistance if the individual did not have a  
24 disability. The services must be necessary to the achievement of an  
25 employment outcome and may be provided only while the individual is  
26 receiving other vocational rehabilitation services. The services may

1 include training in managing, supervising and directing personal  
2 assistance services.

3 (x) **Physical and Mental Restoration Services** means corrective  
4 surgery or therapeutic treatment that is likely, within a reasonable period  
5 of time, to correct or modify substantially a stable or slowly progressive  
6 physical or mental impairment that constitutes a substantial impediment  
7 to employment.

8 (y) **Transitional Employment** as used in the definition supported  
9 employment, means a series of temporary job placements in competitive  
10 work in integrated settings with ongoing support services for individuals  
11 with the most severe disabilities due to mental illness. In transitional  
12 employment, the provision of ongoing support services must include  
13 continuing sequential job placements until job permanency is achieved.

14 **§41203. Administration.**

15 (a) All executive and administrative functions of DVR are vested in  
16 the Administrator, who is the ex-officio non-voting member of the RAC.  
17 The Administrator's salary and benefits shall be established in accordance  
18 with 4 GCA government of Guam Unified Pay Schedule.

19 (b) The authority and responsibility of the Administrator shall  
20 include the following:

- 21 (1) to see that all rules and regulations of DVR are enforced;
- 22 (2) to attend all scheduled meetings of RAC and submit a  
23 quarterly written report on the affairs of the Division with data and  
24 in a format requested by the Council of the affairs, needs and  
25 immediate problems of DVR on the issues requested by RAC as  
26 defined the Vocational Rehabilitation Act;
- 27 (3) to keep the RAC informed of the needs of the Division;

1           (4) to devote his or her entire time to the business of the  
2 DVR;

3           (5) to plan, organize, coordinate and control the services of  
4 such employees as to achieve the goals of DVR;

5           (6) will address the current and projected vocational  
6 rehabilitation services personnel training needs for DVR;

7           (7) provide for the coordination and facilitation of efforts  
8 between DVR and institutions of higher education and professional  
9 associations to recruit, prepare and retain qualified personnel,  
10 including personnel from minority backgrounds, and personnel who  
11 are individuals with disabilities;

12           (8) responsible for the implementation of agreements with  
13 the operators of community rehabilitation programs for the  
14 provision of services for the rehabilitation of individuals with  
15 disabilities;

16           (9) provide that special consideration will be given to the  
17 rehabilitation under the Rehabilitation Act of 1973, as amended, of a  
18 person with a disability whose disability was sustained in the line of  
19 duty while such individual was performing as a public safety officer,  
20 if the proximate cause of such disability was a criminal act or  
21 hazardous condition resulting directly from the officer's  
22 performance of duties in direct connection with the enforcement,  
23 execution and administration of law or fire prevention, fire fighting  
24 or related public safety activities if there is an approved order of  
25 selection plan;

26           (10) provide outreach procedures to identify and serve  
27 persons with disabilities who are minorities and persons with

1 disabilities, who have been unserved or underserved by the  
2 vocational rehabilitation system;

3 (11) provide services designed to promote supported  
4 employment, independent living and community participation;

5 (12) provide that DVR has the authority to enter into  
6 contracts with profitmaking organizations for the purpose or  
7 providing on-the-job training and related programs for persons with  
8 disabilities under Part B of Title VI of the Rehabilitation Act of 1973,  
9 as amended, upon a determination by the Division that such profit  
10 making organizations are better qualified to provide such  
11 rehabilitation services than nonprofit agencies and organizations;

12 (13) develop and implement a strategic plan for expanding  
13 and improving vocational rehabilitation services for persons with  
14 disabilities;

15 (14) seek and seriously consider on a regular and ongoing  
16 basis advice from the RAC regarding the development and  
17 implementation of the state plan and the strategic plan and  
18 amendments to the plans, and other policies and procedures of  
19 general applicability pertaining to the provision of vocational  
20 rehabilitation services in Guam. Copies of the aforementioned items  
21 must be submitted to RAC two (2) months prior to submission to the  
22 Guam State Clearinghouse, Federal agency(ies) or the public;

23 (15) cooperate with the Federal government in carrying out  
24 the purpose of any Federal statute pertaining to vocational  
25 rehabilitation;